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1990

STATEMENT BY MICHAEL WHITE, C.A., TO JOINT SESSION OF THE DELAWARE LEGISLATURE JANUARY 25, 1979.

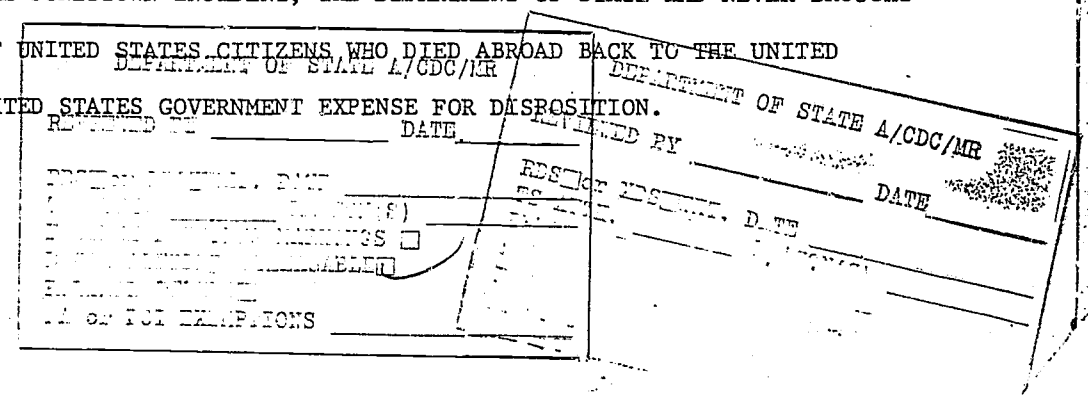
MR. ~~CHAIRMAN~~ President, MEMBERS OF THE SENATE HEALTH AND SOCIAL SERVICES COMMITTEE, MEMBERS OF THE 130TH GENERAL ASSEMBLY OF THE STATE OF DELAWARE.

ON BEHALF OF ASSISTANT SECRETARY OF STATE FOR CONSULAR AFFAIRS, MISS BARBARA WATSON, I WOULD LIKE TO BEGIN BY THANKING YOU FOR INVITING A REPRESENTATIVE OF THE UNITED STATES DEPARTMENT OF STATE TO ADDRESS THIS BODY CONCERNING THE DISPOSITION OF THE REMAINS OF THOSE AMERICAN CITIZENS PRESENTLY AT DOVER AIR FORCE BASE WHO PERISHED IN THE JONESTOWN, GUYANA TRAGEDY ON OR ABOUT NOVEMBER 18, 1978. MISS WATSON REGRETS THAT SHE IS UNABLE TO ATTEND THIS SESSION. HOWEVER, I WILL ATTEMPT, IN HER STEAD, TO OUTLINE THE ROLE AND STATE THE GOALS OF THE DEPARTMENT OF STATE IN THIS OPERATION AS WELL AS ANSWER ANY QUESTIONS REGARDING IT, WHICH YOU MAY WISH TO POSE.

AS STATED BY COLONEL MALL, MY NAME IS MICHAEL WHITE. I AM ATTORNEY-ADVISOR IN THE BUREAU OF CONSULAR AFFAIRS, DEPARTMENT OF STATE, AND I HAVE BEEN INVOLVED IN THE ISSUES SURROUNDING THE DISPOSITION OF THE JONESTOWN DECEASED SINCE NOVEMBER 22, 1978. ~~WHEN I FIRST ARRIVED AT DOVER AIR FORCE BASE~~

I WOULD LIKE TO BEGIN BY DESCRIBING CERTAIN KEY FACTS AND EVENTS WHICH DICTATED THE DEPARTMENT'S ROLE IN THIS ENDEAVOR, THEN FOLLOW WITH A SUMMARY OF THE STEPS TAKEN TO ALLEVIATE THE SITUATION, INCLUDING DISCUSSIONS WITH DELAWARE STATE OFFICIALS, AND CONCLUDE BY DESCRIBING THE DEPARTMENT'S GOALS.

BEFORE THE JONESTOWN INCIDENT, THE DEPARTMENT OF STATE HAD NEVER BROUGHT THE BODIES OF UNITED STATES CITIZENS WHO DIED ABROAD BACK TO THE UNITED STATES AT UNITED STATES GOVERNMENT EXPENSE FOR DISPOSITION.



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BODIES IN DELAWARE COULD BE CONTEMPLATED.

THE DEPARTMENT, SENSITIVE TO ANY CRITICISM REGARDING MASS BURIALS IN ANY SINGLE LOCATION, OR EVEN IN ANY SINGLE STATE, HAS INQUIRED INTO THE BURIAL AND CREMATION LAWS OF A NUMBER OF STATES. THE POLITICAL REPRESENTATIVES IN THESE STATES HAVE NOT, HOWEVER, YET BEEN CONTACTED. THE POSSIBILITY THAT UNCLAIMED OR UNIDENTIFIED BODIES COULD BE DISPERSED THROUGHOUT A NUMBER OF STATES HAS BEEN CONSIDERED.

PRESENTLY, THE DEPARTMENT'S GOALS INCLUDE ENCOURAGING NEXT OF KIN TO CLAIM IDENTIFIED BODIES. TO THIS END, LETTERS HAVE BEEN SENT TO THE NEXT OF KIN INFORMING THEM OF POSSIBLE SOCIAL SECURITY AND VETERANS ADMINISTRATION DEATH BENEFITS AS WELL AS PROVIDING THEM WITH THE NAMES, TELEPHONE NUMBERS AND ADDRESSES OF ALL DOVER MORTICIANS WHO COULD FACILITATE CLAIMS. HOWEVER, THESE LETTERS ALSO STRESS THAT NEITHER FEDERAL FUNDS NOR AUTHORIZATION ARE AVAILABLE TO PROVIDE TRANSPORTATION OF JONESTOWN DECEASED TO THEIR FINAL DESTINATION. LETTERS HAVE ALSO BEEN RECENTLY SENT TO PERSONS WHO MAY HAVE HAD A LOVED ONE AMONG THE JONESTOWN DECEASED STRESSING THE IMPORTANCE OF SENDING MEDICAL AND DENTAL RECORDS TO THE DEPARTMENT SO THAT THE IDENTIFICATION PROCESS MAY CONTINUE.

PRESENTLY, BODIES ARE BEING CLAIMED AND IDENTIFICATIONS ARE CONTINUING TO OCCUR. IT IS FELT THAT CLAIMS TO BODIES MAY INCREASE SOMEWHAT ONCE IT IS PERFECTLY CLEAR THAT NO TRANSPORATION OF THE BODIES AT FEDERAL EXPENSE IS POSSIBLE. A DECISION REGARDING THE MANNER OF DISPOSING OF THE BODIES IS ANTICIPATED WITHIN THE NEXT TWO WEEKS. A DECISION REGARDING WHERE TO DISPOSE OF THE UNCLAIMED AND UNIDENTIFIED BODIES HAS NOT YET BEEN REACHED. WHEN DISCUSSIONS WITH THE APPROPRIATE REPRESENTATIVES OF ANY OF A NUMBER OF STATES PROVES FRUITFUL AND IT IS AGREED THAT THE LAWS OF SUCH STATE OR STATES ALLOW FOR CREMATION OR BURIAL OF THE UNIDENTIFIED

FUNDS BE UTILIZED TO AIRLIFT THE JONESTOWN DECEASED TO CALIFORNIA. MS. WATSON REPLIED IN A LETTER TO THE GOVERNOR DATED DECEMBER 22ND THAT THIS WAS NOT POSSIBLE. SHE HAD MET THE PREVIOUS DAY WITH THE DELAWARE CONGRESSIONAL DELEGATION AND THE SAME POSITION WAS TAKEN BY HER AT THAT TIME.

ON DECEMBER 15TH, DEPARTMENT REPRESENTATIVES MET WITH THE REPRESENTATIVE OF THE DELAWARE ATTORNEY GENERAL'S OFFICE ASSIGNED TO THE DELAWARE DEPARTMENT OF HEALTH AND SOCIAL SERVICES. A NUMBER OF TELEPHONE CONVERSATIONS WITH A ~~MEMBER~~ all OF THESE PARTIES ALSO OCCURRED.

IN SUMMARY, THE DEPARTMENT HAS BEEN IN CLOSE CONTACT WITH STATE OFFICIALS. Since the very beginning. DISCUSSIONS REGARDING THE AVAILABILITY OF BURIAL OR CREMATION OF JONESTOWN DECEASED IN DELAWARE HAS REVOLVED AROUND THE AVAILABILITY OF THESE OPTIONS FOR NEXT OF KIN, AS A NUMBER OF THE NEXT OF KIN MIGHT WANT TO BURY OR CREMATE ON THE EAST COAST BECAUSE IT WOULD BE LESS EXPENSIVE IF THEY COULD AFFORD TRANSPORTATION COSTS. SOME OF THE NEXT OF KIN ARE PEOPLE OF MODEST MEANS. SOME ARE CONFRONTED WITH AN OVERWHELMING EMOTIONAL AND FINANCIAL BURDEN BECAUSE THEY ARE CONFRONTED WITH THE POSSIBILITY OF HAVING TO BURY SEVERAL FAMILY MEMBERS.

I CANNOT ~~EMPHASIZE~~ stress TOO EMPHATICALLY THAT AT ALL TIMES THE DEPARTMENT HAS OVERTLY RECOGNIZED THAT THE BURIAL OF ANY NUMBERS OF UNCLAIMED OR UNIDENTIFIED FAMILY MEMBERS BY THE FEDERAL GOVERNMENT IS AN ENTIRELY DIFFERENT ISSUE WITH SENSITIVE POLITICAL AS WELL AS LEGAL CONSIDERATIONS. RATHER, OUR THRUST, INITIALLY AND PRESENTLY, CONTINUES TO BE IN ASCERTAINING WHETHER UNDER DELAWARE LAW, NEXT OF KIN MIGHT INDIVIDUALLY BE ABLE TO BURY OR CREMATE THEIR LOVED ONES IN THE STATE OF DELAWARE.

OBVIOUSLY, THEREFORE, CLOSE CONSULTATIONS WITH DELAWARE AUTHORITIES WOULD BE IMPERATIVE BEFORE BURIAL OR CREMATION OF ANY UNCLAIMED OR UNIDENTIFIED

BURIAL IN DELAWARE WAS PLANNED.

ON NOVEMBER 28, 1978, ONLY SIX DAYS AFTER THE FIRST PLANE CARRYING JONESTOWN DECEASED LANDED AT DOVER AIR FORCE BASE, THE DEPARTMENT INITIATED CONTACTED WITH REPRESENTATIVES FROM THE DELAWARE DEPARTMENT OF HEALTH AND SOCIAL SERVICES AND A MEMBER OF THE DELAWARE ATTORNEY GENERAL'S OFFICE. THE EMPHASIS AT THIS MEETING WAS UPON ASCERTAINING HOW BEST TO COMPLY WITH DELAWARE LAW FOR MOVING JONESTOWN DECEASED THROUGH THE STATE OF DELAWARE TOWARD THEIR FINAL DESTINATIONS.

ON NOVEMBER 29, 1978, THE SAME DEPARTMENT REPRESENTATIVES MET WITH THE GOVERNOR OF DELAWARE, PIERRE S. duPONT, AND OTHER STATE OFFICIALS AT DOVER AIR FORCE BASE. THE GOVERNOR INDICATED THAT HE DID NOT WISH TO SEE A MASS BURIAL OF JONESTOWN DECEASED IN DELAWARE. WITHOUT FURTHER DISCUSSION, THE DEPARTMENT AGREED THAT NO MASS BURIAL WOULD TAKE PLACE IN THE STATE. GOVERNOR duPONT WAS ASSURED THAT HEALTH AND SAFETY REGULATIONS WERE BEING CAREFULLY FOLLOWED IN THE PROCESSING AND IDENTIFICATION PROCEDURES.

DELAWARE OFFICIALS LATER MONITORED THESE PROCEDURES AND PUBICLY CONFIRMED THAT THE BODIES POSED NO HEALTH HAZARD. THE GOVERNOR WAS FULLY APPRISED AT THIS TIME OF ALL OF THE DEPARTMENT'S EFFORTS DESCRIBED EARLIER, AS WELL AS EFFORTS TO OBTAIN DEATH CERTIFICATES FROM GUYANA.

THE FOLLOWING DAY, DEPARTMENT REPRESENTATIVES MET WITH THE GOVERNOR'S ATTORNEY. A WEEK LATER, ON DECEMBER 7TH, I SPOKE WITH THE SECRETARY OF THE STATE DEPARTMENT OF HEALTH AND SOCIAL SERVICES CONCERNING documents REQUIRED UNDER DELAWARE LAW, WHICH MIGHT ALLOW FOR TRANSIT OF THE BODIES THROUGH THE STATE. THESE DOCUMENTS WERE LATER OBTAINED AND PROVIDED TO THE APRROPRIATE STATE OFFICIALS.

ON DECEMBER 13TH, GOVERNOR duPONT REQUESTED OF BARBARA WATSON THAT FEDERAL

THE TERM "DISPOSITION" IS USED TO CONVENIENTLY DESCRIBE THREE OPTIONS SIMULTANEOUSLY: BURIAL ON LAND, BURIAL AT SEA, OR CREMATION.

THERE IS NO civilian STATUTORY AUTHORITY TO TRANSPORT THE BODIES OF CIVILIANS, NON-MILITARY DEPENDENTS, BACK TO THE UNITED STATES FOR DISPOSITION. NO FUNDS HAVE BEEN ALLOCATED BY CONGRESS FOR THIS PURPOSE. IN THE PAST ANALOGOUS INCIDENTS HAVE BEEN HANDLED AT PRIVATE EXPENSE.

WHY THEN WERE THE BODIES OF THE JONESTOWN DECEASED REMOVED FROM GUYANA TO THE UNITED STATES? Why was this incident handled in a unique manner? THE REMOVAL OF THE BODIES FROM GUYANA WAS AT THE SPECIFIC REQUEST OF THE GOVERNMENT OF GUYANA. THIS OPERATION WAS CONSIDERED ESSENTIAL IN HANDLING THE EMERGENCY SITUATION WHICH EXISTED IN GUYANA AT THE TIME. THE ENORMITY OF THE JONESTOWN CALAMITY STRAINED THE GOVERNMENT OF GUYANA'S CAPABILITIES AND DISRUPTED THE POLITICAL AND ECONOMIC STABILITY OF THAT SMALL COUNTRY. MOST OF THE EXPENDITURES INCURRED BY THE UNITED STATES WERE AT THE REQUEST OF THE GOVERNMENT OF GUYANA IN AN ATTEMPT TO ALLEVIATE THE CATASTROPHE AND TO PROMOTE ECONOMIC AND POLITICAL STABILITY THERE. OTHER CONSIDERATIONS CONTRIBUTED TO THE DECISION TO REMOVE THE BODIES FROM GUYANA. FOR EXAMPLE, THE REMOTE JUNGLE LOCATION OF JONESTOWN AND THE RAINS WHICH WERE FALLING AT THE TIME MADE ONSIGHT IDENTIFICATIONS DIFFICULT. ALSO, REMOVAL OF THE BODIES MIGHT POSSIBLY ASSIST THE FBI AND THE DEPARTMENT OF JUSTICE IN THEIR INVESTIGATION SURROUNDING THE ASSASSINATION OF CONGRESSMAN LEO RYAN. ONCE THE DECISION TO REMOVE THE BODIES HAD BEEN REACHED, THE PRESIDENT OF THE UNITED STATES, ACTING UNDER HIS CONSTITUTIONAL AUTHORITY AS CHIEF EXECUTIVE AND COMMANDER-IN-CHIEF OF THE ARMED FORCES, ORDERED THE DEPARTMENTS OF OUR GOVERNMENT TO TAKE ACTION TO DEAL WITH THIS EMERGENCY. THE OPERATIONAL DECISIONS WITHIN THE UNITED STATES GOVERNMENT IN THIS UNIQUE SITUATION WERE MADE BY THE SECRETARY OF STATE IN CONJUNCTION WITH CERTAIN CABINET COLLEAGUES. HOWEVER, THE AUTHORITY TO USE UNITED STATES MILITARY AIRCRAFT CEASED ONCE THE BODIES

WERE RETURNED TO THE UNITED STATES. THERE IS NO LEGAL BASIS PRESENTLY IN EXISTENCE AUTHORIZING COMMITMENT OF UNITED STATES FUNDS AND MILITARY AIRCRAFT FOR THE PURPOSE OF TRANSPORTING BODIES TO CALIFORNIA OR ELSEWHERE AT THE REQUEST OF FAMILIES.

THE FUNDING OF THE OPERATION TO DATE WAS AUTHORIZED UNDER THE CONTINGENCY FUND OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT, SPECIFICALLY, THE FOREIGN ASSISTANCE ACT OF 1961. THIS FUNDING IS CONSIDERED TO BE ECONOMIC EMERGENCY AID TO THE GOVERNMENT OF GUYANA.

AS ONE OF THE PRIMARY GOALS OF THE FEDERAL GOVERNMENT WAS IDENTIFICATION OF THE DECEASED, THEY WERE FLOWN TO DOVER AIR FORCE BASE. THIS BASE HAS THE ONLY IN-HOUSE DEPARTMENT OF DEFENSE MORTUARY FACILITY IN THE UNITED STATES capable of handling a large number of bodies ALMOST IMMEDIATELY AFTER THEIR ARRIVAL, THE IDENTIFICATION PROCESS BEGAN AT THE BASE. MEANWHILE, HUNDREDS OF QUERIES FROM CONCERNED RELATIVES, LEGISLATORS AND THE PRESS POURED INTO THE BASE AND THE DEPARTMENT OF STATE. THE INFORMATION OFFICE AT THE BASE DID AN OUTSTANDING JOB OF PATIENTLY AND POLITELY ANSWERING THESE INQUIRIES AND REFERRING THEM TO THE DEPARTMENT. THERE, A SPECIAL TASK FORCE HAD BEEN ESTABLISHED TO COPE WITH THE ENORMOUS VOLUME OF WRITTEN AND TELEPHONIC INQUIRIES. THIS TASK FORCE WORKED AROUND THE CLOCK.

AS THE BODIES WERE IDENTIFIED, ALL PERSONNEL WERE MOBILIZED AT THE DEPARTMENT TO PERFORM THE DIFFICULT TASK OF NOTIFYING THE NEXT OF KIN THAT THEIR LOVED ONES, IN MANY CASES ENTIRE FAMILIES, HAD PERISHED IN GUYANA.

IT WAS ONLY AT THIS TIME, LONG AFTER THE BODIES HAD BEEN BROUGHT TO DOVER, THAT IT WAS DEFINITIVELY ASCERTAINED THAT A LARGE NUMBER OF THE DECEASED AND THEIR RELATIVES WERE FROM CALIFORNIA.

I CANNOT EMPHASIZE TOO STRONGLY THE MAGNITUDE OF THE UNDERTAKING TO ASCERTAIN NEXT OF KIN AND NOTIFY THEM OF THE DEATH OF THEIR RELATIVES. THE DEPARTMENT ALSO LAUNCHED AN APPEAL THROUGH THE NEWS MEDIA FOR MEDICAL AND DENTAL RECORDS TO ASSIST IN THE IDENTIFICATION PROCESS.

A CLOSE LIAISON BETWEEN THE DEPARTMENT AND THE PARTIES DIRECTLY INVOLVED IN THE IDENTIFICATION PROCESS, THE FBI AND THE ARMED FORCES INSTITUTE OF PATHOLOGY TEAM WAS ALSO ESSENTIAL TO IDENTIFY AS MANY OF THE BODIES AS POSSIBLE. THE DEPARTMENT INFORMED NEXT OF KIN, NOT ONLY OF THE DEATHS OF THEIR RELATIVES, BUT ALSO OF THE PROCEDURES ESTABLISHED FOR CLAIM AND AUTHORIZATION FOR REMOVAL OF THE BODIES FROM DOVER AIR FORCE BASE. TO THIS END, THE NEXT OF KIN WERE GIVEN THE NAMES, ADDRESSES AND TELEPHONE NUMBERS OF DOVER MORTICIANS WHOM THEY COULD CONTACT TO MAKE ARRANGEMENTS FOR REMOVAL FROM THE BASE, TRANSPORTATION AND ULTIMATE DISPOSITION OF THE DECEASED. RESPONDING TO INQUIRIES, liaison, ASCERTAINMENT OF NEXT OF KIN, INFORMING THE NEXT OF KI OF THE DEATHS OF LOVED ONES, INFORMING THEM OF ~~PICK-UP~~ removal PROCEDURES, PLEAS FOR MEDICAL AND DENTAL RECORDS--ALL OF THESE TASKS TOTALLY CONSUMED THE THOUGHTS AND TIME OF THOSE INVOLVED IN THE GUYANA OPERATION.

OBVIOUSLY, THERE WAS NO TIME TO REFLECT ON THE FATE OF BODIES WHICH MIGHT EVENTUALLY REMAIN UNCLAIMED OR UNIDENTIFIED. THE EXCLUSIVE EFFORT WAS MADE IN THE OPPOSITE DIRECTION. ALL PERSONNEL WERE MOBILIZED TO HELP IDENTIFY BODIES AND ASSIST NEXT OF KIN TO CLAIM THEM. EVERYONE INVOLVED CONCENTRATED ON OBTAINING AS MANY IDENTIFICATIONS AND CLAIMS AS POSSIBLE. NO DECISION WAS EVER MADE BY THE DEPARTMENT REGARDING THE FINAL DISPOSITION OF UNCLAIMED OR UNIDENTIFIED BODIES.

NEVERTHELESS, THE DEPARTMENT'S REPRESENTATIVES IN DOVER SOON LEARNED THAT THERE WAS A DEEP CONCERN IN DOVER, AND PERHAPS ALL OF DELAWARE, LEST A MASS BURIAL OF JONESTOWN DECEASED BE PLANNED BY THE FEDERAL GOVERNMENT. IN RECOGNITION OF THIS CONCERN, I CONTACTED MAYOR CHARLES LEGATES OF DOVER AND ASSURED HIM THAT THE DEPARTMENT WAS AWARE OF THIS CONCERN AND THAT NO MASS